

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CRIMINAL NO. 4:20-CR-269-Y
	§	
ERIC PRESCOTT KAY (1)	§	

ORDER GRANTING DEFENDANT'S UNOPPOSED
MOTION TO EXTEND SENTENCING DEADLINES

Before the Court is Defendant's Unopposed Motion to Extend Sentencing Deadlines (doc. 169) filed August 18, 2022. After review, the Court grants the motion. Accordingly, paragraphs 7 through 15 of the Court's amended order setting schedule for sentencing (doc. 161) are hereby AMENDED as follows with the sentencing date of October 11, 2022, at 10:00 a.m. remaining unchanged:

7. Counsel for the parties shall file with the clerk of Court any written objections to the presentence report and shall deliver a judge's copy to chambers no later than **September 7, 2022**.

8. If a party has no objections to the presentence report, the party shall file a written notice of no objections no later than **September 7, 2022**.

9. A written response to the opposing party's objections to the presentence report shall be electronically filed with the clerk of Court and a judge's copy delivered to chambers **no later than September 14, 2022**.

10. If written objections to the presentence report have been timely filed, the probation officer shall electronically file an addendum to the presentence report and deliver a judge's copy to chambers **no later than September 21, 2022**.

11. Each party may electronically file, and deliver a judge's copy to chambers, a sentencing memorandum **no later than September 21, 2022**.

12. Any other item the parties wish the Court to consider in connection with sentencing, including character letters and victim statements, must be **delivered** to chambers **no later than September 21, 2022.**¹ All characters letters and victim statements written in **a foreign language** must be translated into English prior to submission to the Court. No such letters or statements will be considered by the Court if not provided to the opposing party at least seven days prior to the sentencing hearing.

13. Any motion for a sentence above or below the advisory guideline range set out in the presentence report must be electronically filed with the clerk of Court and a copy of the motion must be delivered to chambers **no later than September 28, 2022.**² Such a motion and any response thereto may be filed under seal without being accompanied by a motion to seal so long as the motion (or the response thereto) contains in its title the notation, "UNDER SEAL PURSUANT TO SCHEDULING ORDER DATED _____." ³

14. Any party served with a motion for a sentence above or below the advisory guideline range shall electronically file a response with the clerk of Court and a judge's copy shall be delivered to chambers **no later than October 5, 2022.**

15. The probation officer shall **deliver**⁴ to chambers a sentencing recommendation **no later than noon on September 28, 2022.**

SIGNED August 23, 2022.


TERRY R. MEANS
UNITED STATES DISTRICT JUDGE

¹Character letters and victim statements are **not** to be filed (manually or electronically) with the clerk of Court.

²Any party moving for a sentence above or below the advisory guideline range must set out in detail the facts that support such motion. The party must also clearly indicate whether the party is seeking an upward or downward departure under Chapters Four or Five of the United States Sentencing Guidelines or is seeking a sentence outside the guidelines regime under 18 U.S.C. § 3553(a), or both. If the party is seeking a sentence under subsection (a) of § 3553, the party must identify the paragraphs and subparagraphs of subsection (a) that the facts implicate in support of a sentence above or below the advisory guideline range and demonstrate in detail how they do so.

³Motions for a sentence above or below the advisory guideline range filed under seal may be filed electronically pursuant to LCrR 55.3.

⁴The recommendation is **not** to be filed.